

REMARKS

This Amendment rewrites claims 19, 22, 29 and 32 to more precisely and unambiguously define the claimed invention. Claims 19-41 are pending.

Examiner Nagpaul is thanked for indicating the allowability of claims 29, 32 and 33, if rewritten to overcome the indefiniteness rejection discussed below and to include all of the limitations of the base claim and any intervening claims. It is believed this Amendment, taken together with the Second Preliminary Amendment, places the entire application in condition for allowance.

Examiner Nagpaul is also thanked for the courtesies extended to the undersigned during a teleconference held October 15, 2004, during which the Examiner indicated only a portion of the Second Preliminary Amendment filed June 30, 2004 was in the Patent Office file. A complete copy of the Second Preliminary Amendment is attached. It is respectfully requested that the attached copy be entered in this application.

The Second Preliminary Amendment eliminated the informalities in claims 19, 24, 26, 28 and 29 which are discussed on page 2, lines 1-16 of the Official Action.

This Amendment overcomes the 35 U.S.C. § 112, second paragraph, rejection of claims 19, 20, 22, 29, 32 and 33. More particularly, claims 19, 22 and 32 have been rewritten in

accordance with the Examiner's helpful suggestions. The Second Preliminary Amendment rewrote claim 20 to eliminate the ground for rejection. Claim 29 has also been rewritten to more particularly point out and distinctly claim the invention. It is respectfully submitted claim 29 provides adequate antecedent basis for the maneuvering pins recited in claim 23. See claim 29, line 12. Reconsideration and withdrawal of the indefiniteness rejection of claims 19, 20, 22, 29, 32 and 33 are earnestly requested.

The 35 U.S.C. § 103(a) rejection of claims 19-23 and 25 over U.S. Patent No. 6,406,605 to Moles in view of U.S. Patent No. 5,735,501 to Maurer et al. is respectfully traversed. A feature of the claimed valve is a flexible and/or distortable film, part of which is fixed to at least one of the bases of a test sample card. A second feature is a film compression means which may be activated or deactivated, which is secured to the card on at least one of the faces by means of a securing feature located at the level of a recess provided around the valve.

The cited combination of references fails to raise a *prima facie* case of obviousness against the claimed valve. As conceded by the Patent Office, Moles fails to disclose the compression means feature of the claimed valve. Moles also fails to disclose a valve with a flexible membrane or film secured on at least one face of a card by means of a securing feature located at the level of a

recess provided around the valve. Instead, Moles discloses an electroosmotic valve having an inner membrane secured by means of superposition of layers. A reservoir located over the membrane contains an electrolyte and permits the electroosmotic flow to occur.

The deficiencies of Moles are not remedied by the additional disclosure of Maurer et al. More particularly, Maurer et al. also fails to disclose a valve having a flexible membrane/film secured on at least one face of a card by means of a securing feature located at the level of a recess provided around the valve. Instead, Maurer et al. discloses a valve arrangement which includes a slider element arranged in a valve housing and which cooperates with a valve seat in order to close a flow through passage.

One of ordinary skill in the art is given no disclosure or suggestion which would permit him to combine Moles and Maurer et al. to arrive at the claimed valve. Reconsideration and withdrawal of the obviousness rejection of claims 19-23 and 25 are earnestly requested.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all objections and rejections of claims 19-34, and issuance of a Notice of Allowance directed to claims 19-41, are earnestly requested. The Examiner is urged to

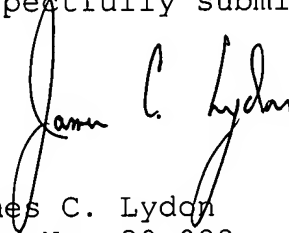
U.S. Appln. S.N. 10/009,824
AMENDMENT

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telephone the undersigned should she believe any further action is required for allowance.

It is not believed any fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James C. Lydon". The signature is fluid and cursive, with the first name "James" and last name "Lydon" clearly distinguishable.

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Enclosures:

Second Preliminary Amendment
Acknowledgment Sheet bearing PTO date stamp

RECEIPT OF FILING OF PAPERS

PATENT APPLICATION

Atty. Docket No. BONN-069

In re the application of:

Bruno COLIN et al.

Serial Number: 10/009,824

Group Art Unit: 2856

Filed: December 13, 2001

Examiner: Unassigned



For: VALVES ENABLING A LIQUID TO BE DIRECTED IN A
DIAGNOSTIC CHART, DIAGNOSTIC CHARTS AND
DIAGNOSTIC DEVICE COMPRISING SEVERAL CHARTS

PAPERS FILED HERewith:

REQUEST FOR STATUS

SECOND PRELIMINARY AMENDMENT

EXCESS CLAIM FEE TRANSMITTAL

CREDIT CARD PAYMENT FORM for \$54.00

DATE: June 30, 2004

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